

**MINUTES
FREMONT CITY COUNCIL REGULAR MEETING
APRIL 7, 2009
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

- 1.1 Call to Order:** Mayor Wasserman called the meeting to order.
- 1.2 Flag Salute:** Councilmember Harrison led the salute to the flag.
- 1.3 Roll Call:** Present: Mayor Wasserman, Vice Mayor Natarajan, Councilmembers: Wieckowski, Harrison, and Chan.
- 1.4 Announcements by Mayor/City Manager - None**

2. CONSENT CALENDAR

- * **2.1 Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Councilmember Wieckowski, seconded by Vice Mayor Natarajan, the City Council waived further readings of proposed ordinances.

Ayes:	Mayor Wasserman, Vice Mayor Natarajan, Councilmembers: Wieckowski, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

- * **2.2 Approval of Minutes for the Special Meeting, Work Session and Regular Meetings of March 24, 2009, the Regular Meeting and Work Session of December 18, 2007, the Special Meeting and Regular Meeting of November 27, 2007, and the Regular Meeting and Work Session of November 13, 2007.**

On a motion by Councilmember Wieckowski, seconded by Vice Mayor Natarajan, the City Council approved the minutes for the Special Meeting, Work Session and Regular Meetings of March 24, 2009, the Regular Meeting and Work Session of December 18, 2007, the Special Meeting and Regular Meeting of November 27, 2007, and the Regular Meeting and Work Session of November 13, 2007.

Ayes:	Mayor Wasserman, Vice Mayor Natarajan, Councilmembers: Wieckowski, Harrison and Chan
Noes:	None
Absent:	None

Abstain: None

*** 2.3 Mayor Wasserman opened consideration of a Second Reading and Adoption of an Uncodified Ordinance of the City of Fremont Authorizing Additional Extensions to Existing Building Permit Applications and Building Permits.**

On a motion by Councilmember Wieckowski, seconded by Vice Mayor Natarajan, the City Council adopted Ordinance No. 7-2009.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,
Councilmembers: Wieckowski, Harrison and Chan
Noes: None
Absent: None
Abstain: None

*** 2.4 Mayor Wasserman opened consideration of a Second Reading and Adoption of an Ordinance of the City of Fremont Rezoning Property Located at 5339 Mowry Avenue from Thoroughfare Commercial (C-T) to Planned District 2009-156**

On a motion by Councilmember Wieckowski, seconded by Vice Mayor Natarajan, the City Council adopted Ordinance No. 8-2009.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,
Councilmembers: Wieckowski, Harrison and Chan
Noes: None
Absent: None
Abstain: None

***2.5 Mayor Wasserman opened consideration of a Second Reading and Adoption of an Ordinance of the City of Fremont, Amending Fremont Municipal Code, Title II, Administration and Finance, Chapter 9, Purchasing Code, Article 4, Section 2-9404, Subsection F, to Temporarily Increase the Preference for Local Owned Businesses from 2.5% to 5% in City Purchases of Personal Property Exceeding \$25,000**

On a motion by Councilmember Wieckowski, seconded by Vice Mayor Natarajan, the City Council adopted Ordinance No. 9-2009.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,
Councilmembers: Wieckowski, Harrison and Chan
Noes: None
Absent: None
Abstain: None

2.6 Mayor Wasserman opened consideration of the Authorization of the City Manager to Execute a Not-To-Exceed \$130,000 Contract with Questa Engineering Corporation for Design and Permit Application Services Related to Creek and Habitat Restoration and Public Access Improvements at Sabercat Creek

Councilmembers provided comment.

On a motion by Councilmember Wieckowski, seconded by Vice Mayor Natarajan, the City Council authorized the City Manager or his designee to enter into an agreement with Questa Engineering Corporation in the amount not-to-exceed \$130,000.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,
Councilmembers: Wieckowski, Harrison and Chan
Noes: None
Absent: None

(This item was removed from the Consent Calendar)

***2.7 Mayor Wasserman opened consideration of the Approval of Additional Funding for the Family Resource Center Carpet Replacement Project at 39155 Liberty Street, Fremont, CA 94538 (City Project No. PWC 8680)**

On a motion by Councilmember Wieckowski, seconded by Vice Mayor Natarajan, the City Council:

1. Appropriated \$30,000 in unallocated FY 2008/09 CDBG funding for the FRC Flooring Replacement project (City Project No. 105 PWC 8680).
2. Authorized the City Manager or designee to increase the purchase order with Shaw Industries in the amount of \$30,000 for carpet replacement at the FRC for a total amount of \$190,000 using the CMAS contract No. 4-08-72-0008B.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,
Councilmembers: Wieckowski, Harrison and Chan
Noes: None
Absent: None
Abstain: None

***2.8 Mayor Wasserman opened consideration of the Resolution Authorizing Fiscal Year (FY) 2009/10 Transportation Development Act (TDA) Article 3 Grant Application and Acceptance of the TDA Article 3 Funds for Pedestrian Crossing Improvement Project on Deep Creek Road in the Vicinity of Ardenwood Elementary School**

On a motion by Councilmember Wieckowski, seconded by Vice Mayor Natarajan, the City Council:

1. Adopted Resolution No. 2009-11 authorizing the City Manager, or his designee, (a) to apply for Transportation Development Act Article 3 Funds in the amount of \$287,313 for the Pedestrian Crossing Improvement Project on Deep Creek Road between Macbeth

- Avenue and Emilia Lane for FY 2009/10; and (b) to accept any awarded grant funds for the Project and to execute any necessary implementing documents.
2. Appropriated any grant funds received to 107 PWC8698, Pedestrian Crossing Improvement Project on Deep Creek Road between Macbeth Avenue and Emilia Lane.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,
Councilmembers: Wieckowski, Harrison and Chan
Noes: None
Absent: None
Abstain: None

***2.9 Mayor Wasserman opened consideration of the Authorization of the City Manager to Execute a Fund Exchange Agreement for American Recovery and Reinvestment Act of 2009 (ARRA) Local Streets and Roads Funds for \$1,897,000 with the Alameda County Congestion Management Agency to Fund Street Overlay Projects**

On a motion by Councilmember Wieckowski, seconded by Vice Mayor Natarajan, the City Council authorized the City Manager or his designee to execute CMA Local Funds Exchange Agreement B09-xxx as described in the staff report.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,
Councilmembers: Wieckowski, Harrison and Chan
Noes: None
Absent: None
Abstain: None

2.10 Mayor Wasserman opened consideration of the Adoption of a Resolution to Approve the State Route 84 Historic Parkway Local Alternative Transportation Improvement Program (LATIP) Project Priority List Associated with the East-West Connector Project and Required to Fund the I-880/Mission Boulevard Interchange Project Phase 1B and 2

Mayor Wasserman opened the item for public comment. Rangin Khattak expressed concern related to various aspects of the East-West Connector MOU. There were no other speakers. Mayor Wasserman closed public comment. Staff responded to questions raised by the speaker and Councilmembers.

On a motion by Councilmember Wieckowski, seconded by Councilmember Chan, the City Council adopted Resolution No. 2009-12 approving the Local Alternative Transportation Improvement Program (LATIP) Project list.

Ayes: Mayor Wasserman
Councilmembers: Wieckowski, Harrison and Chan
Noes: Vice Mayor Natarajan
Absent: None
Abstain: None

***2.11 Mayor Wasserman opened consideration of the Approval of Task Order No. 4 to the Joint Powers Agreement with Fremont Unified School District for the Provision of School-Site Mental Health Services in FY 2008/09**

On a motion by Councilmember Wieckowski, seconded by Vice Mayor Natarajan, the City Council authorized the City Manager or designee to execute Task Order No. 4 to the existing joint powers agreement with Fremont Unified School District for the Youth and Family Services Division of the Human Services Department to provide mental health services in FY 2008/09 in an amount not to exceed \$103,950.

Ayes: Mayor Wasserman, Vice Mayor Natarajan
Councilmembers: Wieckowski, Harrison and Chan
Noes: None
Absent: None
Abstain: None

***2.12 Mayor Wasserman opened consideration of the Approved Joint Agreement between the Cities of Fremont, Alameda, Berkeley, Livermore, San Leandro, and Union City to Participate in the Neighborhood Stabilization Program**

On a motion by Councilmember Wieckowski, seconded by Vice Mayor Natarajan, the City Council adopted Resolution No. 2009-13 authorizing the City Manager or his designee to execute a Joint Agreement with the Cities of Alameda, Berkeley, Fremont, Livermore, San Leandro and Union City to participate in the Neighborhood Stabilization Program.

Ayes: Mayor Wasserman, Vice Mayor Natarajan
Councilmembers: Wieckowski, Harrison and Chan
Noes: None
Absent: None
Abstain: None

***2.13 Mayor Wasserman opened consideration of the Adoption of a Resolution Approving a Records Retention Schedule for the Maintenance Services Division and Approving the addition of a New Section Titled, General City Administrative Files, for all Retention Schedules, and Revisions to the City Attorney's Office and City Clerk's Office Retention Schedules**

On a motion by Councilmember Wieckowski, seconded by Vice Mayor Natarajan, the City Council adopted Resolution No. 2009-14 approving the Maintenance Services Division Retention Schedule; approved revisions to the City Attorney's Office and the City Clerk's Office retention schedules; and approved the addition of a new section, General Administrative Files, to the retention schedules for the City Attorney's Office, City Clerk's Office, City Manager's Office, Community Development, Economic Development, Finance, Fire, Human Resources, Human Services, Information Systems, Office of Housing & Redevelopment, Parks & Recreation, Police, and Transportation & Operations Departments Records Retention

Schedules; and granting approval for the destruction of records in accordance with the Retention Schedule, subject to the review and consent of the City Attorney.

Ayes: Mayor Wasserman, Vice Mayor Natarajan
Councilmembers: Wieckowski, Harrison and Chan
Noes: None
Absent: None
Abstain: None

***2.14 Mayor Wasserman opened consideration of a Public Hearing (Published Notice) to Set the License Application Fee Amount for Class One Places of Entertainment**

On a motion by Councilmember Wieckowski, seconded by Vice Mayor Natarajan, the City Council adopted Resolution No. 2009-15 setting the Class One Entertainment License Fees for police services effective April 7, 2009.

Ayes: Mayor Wasserman, Vice Mayor Natarajan
Councilmembers: Wieckowski, Harrison and Chan
Noes: None
Absent: None
Abstain: None

***2.15 Mayor Wasserman opened consideration of the Continuation of Public Hearing (Published Notice) to Consider Proposed Jail Fees to Neighboring Agencies Retroactive to July 1, 2008**

On a motion by Councilmember Wieckowski, seconded by Vice Mayor Natarajan, the City Council adopted Resolution No. 2009-16 approving the Jail Booking Fee at the Fremont Detention Facility to be \$12.30 and the Jail Access Fee to be \$247. 25 retroactively beginning July 1, 2008, and for neighboring cities to be invoiced for services accordingly.

Ayes: Mayor Wasserman, Vice Mayor Natarajan
Councilmembers: Wieckowski, Harrison and Chan
Noes: None
Absent: None
Abstain: None

3. CEREMONIAL ITEMS

3.1 Proclamation: Arbor Day

3.2 Proclamation: Fair Housing Month

3.3 Resolution: Recognizing the 20th Anniversary of Abode Services (formerly Tri-City Homeless Coalition)

4. PUBLIC COMMUNICATIONS

4.1 Oral and Written Communications – None.

5. SCHEDULED ITEMS

5.1 Mayor Wasserman opened consideration of a Public Hearing (Published Notice) to Consider a Resolution to Collect Development Impact Fees at 75% of their Full Amounts in the Central Business District Until December 31, 2011 and at 90% of their Full Amounts Elsewhere in the City until December 31, 2010

Community Development Director Jill Keimach provided an overview of the item and highlighted the proposed action to temporarily collect City development impact fees at amounts less than those currently collected. Mayor Wasserman opened the public hearing. Basil Besh expressed support for temporarily decreasing all Development Impact Fees by more than 10% in order to assist small business developers who have are having difficulty in obtaining financing to cover the costs of initial development. There were no other speakers. Mayor Wasserman closed the public hearing. Staff responded to questions from Councilmembers. Councilmembers provided comment.

On a motion by Councilmember Wieckowski, seconded by Vice Mayor Natarajan, the City Council:

1. Held a public hearing.
2. Adopted Resolution No. 2009-17 to collect Development Impact Fees at 75% of their full amounts in the Central Business District and at 90% of their full amounts elsewhere in the City until December 31, 2011.
3. Directed staff to communicate with various agencies, on behalf of the City Council, encouraging them to assist local businesses during the current financial crisis.

Ayes:	Mayor Wasserman, Vice Mayor Natarajan, Councilmembers: Wieckowski, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

6. REPORT FROM CITY ATTORNEY

6.1 Mayor Wasserman opened consideration of a Report Out from Closed Session of Any Final Action – None.

7. OTHER BUSINESS

7.1 Mayor Wasserman opened consideration of the Recreation Commission Referral Recommending the Selection of Vickie Jo Sowell as the Artist for the Public Art Work at Fire Station #2, 37299 Niles Boulevard

Park Planning Manager Amy Rakley reviewed the two options for the art work at Fire Station #2. Staff responded to questions from Councilmembers. There were no speakers. On a motion by Councilmember Wieckowski, seconded by Vice Mayor Natarajan, the City Council approved the recommendation of the Art Review Board to select Vickie Jo Sowell as the artist for the public art work at Fire Station #2 (37299 Niles Boulevard), as described in Enclosure "A," and authorized the City Manager or his designee to enter into a \$26,400 agreement with the artist.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,
Councilmembers: Wieckowski, Harrison and Chan
Noes: None
Absent: None
Abstain: None

***7.2 Mayor Wasserman opened consideration of the Adoption of a Resolution Authorizing the Submittal of an Application to the Metropolitan Transportation Commission for the Federal American Recovery and Reinvestment Act of 2009 Funding for the Annual Asphalt Overlay Project (PWC 8234-H)**

On a motion by Councilmember Wieckowski, seconded by Vice Mayor Natarajan, the City Council:

1. Adopted Resolution No. 2009-18 and authorized staff to submit an application to the Metropolitan Transportation Commission (MTC) for \$5,907,000 in funding from the federal American Recovery and Reinvestment Act of 2009.
2. When received, appropriate the amount in American Recovery and Reinvestment Act of 2009 funding approved by MTC in the amount of \$5,907,000 to the 2009 Citywide Asphalt Overlay Project, City Project No. PWC (8234-H).

Ayes: Mayor Wasserman, Vice Mayor Natarajan,
Councilmembers: Wieckowski, Harrison and Chan
Noes: None
Absent: None
Abstain: None

(This item was added to the Consent Calendar)

7.3 Mayor Wasserman opened consideration of the Presentation of Updated Project Prioritization for the FY 2009/10-FY 2013/14 CIP Based on Further Costing and Scoping and Revised Revenues

City Engineer Norm Hughes provided a project prioritization update. Management Analyst Sean O'Shea provided key highlights for Fund 501, Gas Tax, Traffic Impact Fee, Bike and Pedestrian, Park Development, Redevelopment, and Committed/Restricted funds, provided a funding summary, and reviewed the unfunded projects list and the timeline for the remainder of the CIP process. There were no speakers.

Staff responded to questions from Councilmembers. Councilmembers provided comment.

On a motion by Councilmember Chan, seconded by Councilmember Wieckowski, the City Council:

1. Provided comments to staff on the list of projects proposed for funding in the FY 2009/10-2013/14 CIP.
2. Approved the close out of the capital projects identified on Enclosure B and returned the remaining project appropriations to their respective funds.

Ayes:	Mayor Wasserman, Vice Mayor Natarajan, Councilmembers: Wieckowski, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

8. COUNCIL COMMUNICATIONS

8.1 Council Referrals – None.

8.2 Oral Reports on Meetings and Events – None.

- 9. ADJOURNMENT:** There being no further business, Mayor Wasserman adjourned the meeting at 9:45 p.m.

Attest:

Approved:

Dawn G. Abrahamson, City Clerk

BOB WASSERMAN, Mayor